

**Minutes
Randolph County Commissioners
December 7, 1998**

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Frye, Kemp, Davis, Holmes, and Mason were present. Invocation was given by Angela Windley, Choral Director at Eastern Randolph High School, who sang The Lord's Prayer. Then everyone recited the Pledge of Allegiance.

Changes to the Agenda

Chairman Frye announced the following changes under new business items: Delete C. and add J. Name for New County Courthouse.

Reorganization of the Board

On motion of Davis, seconded by Mason, the Board unanimously voted to maintain the status quo with the Chairman (Darrell Frye), Vice Chairman (Phil Kemp), County Attorney (Alan Pugh), Clerk to the Board (Alice Dawson), Deputy Clerk to the Board (Cheryl Ivey), representative to the Board of Health (Robert Davis), representative to the Mental Health Board (Robert Mason), representative to the Social Services Board (Harold Holmes), representative to the High Point Transportation Advisory Board (Darrell Frye), and delegate to Piedmont Triad Council of Governments (Darrell Frye).

Consent Agenda

On motion of Holmes, seconded by Davis, the Board approved the consent agenda, as follows:

- *approve minutes of November 2, 1998;*
- *approve closed session minutes of November 2, 1998;*
- *reappoint Linda Covington to the Nursing Home/Adult Care Home Community Advisory Committee (3-Year Term);*
- *Reappoint Carol Coble, Dr. Cheryl Freeman, Dr. Michael Loomis, Dr. William Walker, and Dr. Charles West to the Board of Health (3-Year Terms);*
- *Reappoint Ted Hollingsworth and Tommy McDonald to the Randleman Planning and Zoning Board (2-Year Terms);*
- *Approve Resolutions Adding Eagle Landing, Destin Drive, Sundance Trail, and Brookside Court to the State System of Roads;*
- *Appoint Randy Kirkman as Outside Member on the Liberty Planning and Zoning Board (3-Year Term);*
- *Appoint Ron Moore, Jr. to Fill the Unexpired Term of Kevin Bowman on the Tourism Development Board (Term Expires 10/99);*
- *Appoint Tommy Routh to Fill the Unexpired Term of Tim Benbow as Outside Member on the Franklinville Planning and Zoning Board (Term Expires 3/02);*
- *Appoint Ben Chavis to Fill the Unexpired Term of Alida Herrera on the Community Child Protection Team/Child Fatality Review Team (Term Expires 11/99).*

Rate Order for Adjustment for Basic Cable Television Programming

David Harris of Piedmont Triad Council of Governments advised the Board that they are authorized by the FCC to regulate rates associated with basic programming services. Cable operators may file for rate adjustments on an annual basis, using FCC Form 1240. Time Warner has filed Form 1240 requesting rate adjustments for basic programming services for both the Asheboro System (decrease of 19¢) and Archdale System (decrease of 11¢). Mr. Harris stated that staff at PTCOG had examined this rate adjustment filing and found that Time Warner's numbers are accurate and that they had followed the FCC procedures.

On motion of Kemp, seconded by Mason, the Board unanimously approved the following ORDER:

WHEREAS, the County of Randolph ("County") has been duly certified by the Federal Communications Commission to regulate cable rates for Time Warner Cable within the unincorporated limits of the County and as may be further defined in the current Cable Television Ordinance and Franchise Agreement; and

WHEREAS, on September 25, 1998, Time Warner Cable filed Federal Communications Commission ("FCC") Form 1240's, with the County, requesting a rate adjustment as provided for in the current provisions of the FCC regulations; and

WHEREAS, the aforementioned FCC Form 1240's were examined by the Piedmont Triad Council of Governments in accordance with an agreement between the Piedmont Triad Council of Governments and the County; and

WHEREAS, the calculations and justifications for the requested rate adjustments were found to be consistent with applicable rate regulation rules as published by the Federal Communications Commission;

NOW THEREFORE THE COUNTY COMMISSIONERS OF THE COUNTY OF RANDOLPH DO TH ORDER:

The rates for regulated basic programming services for Time Warner Cable are hereby approved as set forth below:

Basic Programming Service (Asheboro System) \$7.02

Basic Programming Service (Archdale System) \$7.42

Resolution for Refinancing of Cross Road Facility

Mary Nash Rusher of Hunton and Williams, bond counsel for Cross Road Rest and Retirement Center, explained that in 1982 the Randolph County Health Development Authority was formed through appointment by the County Commissioners. The Authority issued revenue bonds for Cross Road for a 116-bed home for the aged. In 1992 these bonds were refinanced, at which time Cross Road added an Alzheimer unit and independent living quarters. Cross Road now wants to refinance these bonds through the NC Medical Care Commission. When the bonds are paid off, title goes to the County; then the County will transfer title to Cross Road through a procedure outlined in NCGS 160A-279.

Alan Pugh, County Attorney, stated for the record that Ed Gavin of his law firm had been retained by Cross Road to handle certain property matters in this transaction, but not to serve as bond counsel.

On motion of Kemp, seconded by Mason, the Board unanimously approved the following resolution approving the refinancing of the Cross Road Rest and Retirement Center and the transfer of the facility:

WHEREAS, *the Randolph County Health Development Authority, Inc. (the "Authority") is a nonprofit corporation existing under Chapter 55A of the North Carolina General Statutes; and whereas, the Board of Commissioners of Randolph County (the "County") controls the Authority in that it appoints the Board of Directors of the Authority; and*

WHEREAS, *in 1992 the Authority issued its \$2,055,000 First Mortgage Refunding Revenue Bonds (The Cross Road Rest and Retirement Center, Inc., Facility), Series 1992 (the "1992 Bonds") pursuant to a Restated Indenture of Trust dated as of July 1, 1992 between the Authority and Reliance Trust Company, as trustee (the "Trustee"); and*

WHEREAS, *the proceeds of the 1992 Bonds were used to refund the Authority's First Mortgage Revenue Bonds (The Cross Road Retirement Center, Inc. Facility), Series 1982 (the "1982 Bonds"), the proceeds of which were used in the acquisition, renovation, furnishing and equipping of a 116-bed home for the aged and disabled located near the City of Asheboro in Randolph County (the "Facility"); and*

WHEREAS, *the Facility was leased to The Cross Road Rest and Retirement Center, Inc. ("Cross Road"), a nonprofit corporation organized and existing under Chapter 55A of the North Carolina General Statutes and exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code") pursuant to a Restated Lease Agreement dated as of July 1, 1992, which provided, among other things, for payments by Cross Road sufficient to pay the debt service on the 1992 Bonds; and*

WHEREAS, *the 1982 Bonds and the 1992 Bonds were issued by the Authority acting "on behalf of," the County pursuant to IRS Revenue Ruling 63-20 ("63-20"), and, in order to satisfy the requirements of 63-20, the County approved the formation of the Authority and the issuance of the 1992 Bonds and the 1982 Bonds, and agreed to accept title to the Facility once the 1992 Bonds have been paid in full; and*

WHEREAS, *upon issuance of the 1992 Bonds, the Authority executed a warranty deed and a bill of sale (the "Conveyance Instruments") to the County conveying all of its interest in the Facility to the County, and delivered the Conveyance Instruments to the Trustee, to be held in trust and delivered to the County upon full payment of the Bonds or upon provision for full payment of the principal, premium, if any, and accrued interest on the 1992 Bonds; and*

WHEREAS, *Cross Road has proposed that the North Carolina Medical Care Commission (the "NCMCC") issue its Health Facilities Revenue Bonds (The Cross Road Rest and Retirement Center, Inc. Project), Series 1998 (the "Bonds") in the principal amount of approximately \$5,900,000, the proceeds of which would be loaned to Cross Road and used to acquire the Facility from the County and retire the 1992 Bonds, to refund existing debt used to finance the independent living units located on the same premises as the Facility, and to finance approximately \$1,000,000 in additional renovations to the Alzheimer's Care Center that is adjacent to the Facility; and*

WHEREAS, *NCGS § 160A-279 permits the County to transfer property by private sale to any nonprofit entity that carries out a public purpose so long as such entity covenants to continue to use the property for a public purpose; and*

WHEREAS, the County finds it to be in the County's best interest to transfer its interest in the Facility to Cross Road for a nominal sum of \$10.00 in connection with the redemption of the 1992 Bonds and the refinancing of the Facility;

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF RANDOLPH, NORTH CAROLINA:

- 1. The County hereby finds that the refinancing of the Facility by the Authority, the redemption of the 1992 Bonds, and the transfer of the Facility to Cross Road is in the best interest of the County.*
- 2. The Board hereby approves the execution and delivery by the Authority of any documents or certificates that may be required in connection with the execution and delivery of the Bonds, the redemption of the 1992 Bonds and the transfer of the Facility, and any other actions taken by the officers of the Authority in connection therewith.*
- 3. The Board hereby authorizes and directs the Chairman or Vice Chairman of the Board, and the County Manager and Finance Officer, or any of them, upon advice of the County Attorney and bond counsel for the Bonds, to take such action as may be required to transfer the Facility to Cross Road, for consideration of \$10.00, in connection with the redemption of the 1992 Bonds, including but not limited to execution and delivery of such deeds and bills of sale as may be necessary for such redemption and transfer. The Clerk of the Board shall attest and seal such documents as require the Clerk's attestation and the County seal. The documents referred to in this Resolution providing for the transfer of the Facility shall include covenants or conditions which assure that the Facility will continue to be put to a public use by Cross Road.*
- 4. The Board hereby directs the Clerk to publish notice summarizing this resolution as required by NCGS 160A-267.*
- 5. This resolution shall take effect immediately.*

Resolution Concerning Work First Transitional/Employment Transportation Assistance Funds

Candie Rudzinski, Randolph County Senior Adult Association, reported that NC Department of Transportation is for the second year providing each county with operating assistance funds to help met Work First and employment transportation needs. One million dollars will be provided through a formula allocation. Randolph County's portion is \$14,360. An ad hoc group made up of the Frank Willis, County Manager; Martha Sheriff, Social Services Director; and Russ Keeney, Community Transportation System; as required by the State, has determined the appropriate entity to receive these funds. They are recommending that the Senior Adults Association, on behalf of the Community Transportation System, RCATS, be designated to receive these funds.

On motion of Davis, seconded by Holmes, the Board unanimously adopted a resolution, as follows, authorizing the County to apply for FY1998-99 Work First/Employment Transportation Operating Assistance from the \$1 million allocation; designated Randolph County Senior Adults Association, on behalf of the Community Transportation System (RCATS), as the agency to receive these funds once they are awarded to Randolph County; and approved Budget Amendment #20, which reflects the \$14,360 to be received, as follows:

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the purpose of these transportation funds is to support transitional transportation needs of Work First participants after eligibility for cash assistance has concluded and/or other employment transportation needs; and

WHEREAS, the SFY 1998-99 funds are available for eligible program costs for the period specified by the North Carolina Department of Transportation; and

WHEREAS, the Randolph County Board of Commissioners has approved the local entity designated to receive the operating allocation for Work First and employment transportation; and

WHEREAS, the Randolph County Board of Commissioners hereby assures and certifies that it will comply with state statutes, executive orders and all administrative requirements which relate to applications, made to and assistance received from the North Carolina Department of Transportation for the Work First Transitional/Employment Transportation Assistance Program.

NOW, THEREFORE, BE IT RESOLVED that the Randolph County Board of Commissioners hereby submits an application for SFY 1998-99 Work First Transitional/Employment Transportation Assistance funds for use by the designated local entity and assures that it will provide to the North Carolina Department of Transportation information regarding the use of the funds at such time and in such manner as the Department may require.

GENERAL FUND - #20	
Appropriation	Increase
Aging Services	\$14,360
Revenue	Increase
Restricted Intergovernmental	\$14,360

Budget Amendment - Aging Services Supplemental Funds

Ms. Rudzinski reported that the Aging Services Planning Committee had met and approved the distribution of Aging Services Supplemental Funds totaling \$61,101 from the State. She explained the distribution of these funds by agency and program as shown on Form DOA-731. Social Services will have a match of \$1,056 (from Fund Balance) for their portion, making the total \$62,157.

On motion of Holmes, seconded by Mason, the Board unanimously approved Budget Amendment #21 to the FY 1998-99 Annual Budget, as follows:

GENERAL FUND - #21	
<i>Appropriation</i>	<i>Increase</i>
<i>Aging Services</i>	<i>\$62,157</i>
<i>Revenue</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	<i>\$61,101</i>
<i>Fund Balance Appropriated</i>	<i>\$1,056</i>

Randolph County Schools Purchase of Land

Bob Scherer, Assistant Superintendent, came before the Board to seek approval for Randolph County Schools to purchase land for a future elementary school to relieve overcrowding at Seagrove and Farmer Elementary Schools. The 24.8-acre tract is on Southmont off Mack Road and is not in the Hwy 64-Bypass corridor or in a watershed. Almost all the land is usable. The asking price is \$190,000.

On motion of Kemp, seconded by Davis, the Board unanimously authorized the purchase of this property.

On motion of Mason, seconded by Holmes, the Board unanimously approved Budget Amendment #22 to the FY 1998-99 Annual Budget, to reflect receipt of State ADM funds for the purchase of the land, as follows:

GENERAL FUND - #22	
<i>Appropriation</i>	<i>Increase</i>
<i>County Schools-Cap.Excess COPS Debt Srv.</i>	<i>\$212,980</i>
<i>Revenue</i>	<i>Increase</i>
<i>Miscellaneous Revenue</i>	<i>\$212,980</i>

Budget Amendment - Library

Richard Wells, Library Director, announced that the Library has been awarded a Library Services and Technology Internet Connectivity Grant of \$23,500 for the purchase of 10 computers; also, the Library has received an additional \$55,078 from the State Aid to Public Libraries Fund.

On motion of Holmes, seconded by Davis, the Board unanimously approved Budget Amendment #23 to the FY 1998-99 Annual Budget, as follows:

GENERAL FUND - #23	
<i>Appropriation</i>	<i>Increase</i>
<i>Public Library</i>	\$78,578
<i>Revenue</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	\$78,578

Budget Amendment - Social Services

On motion of Holmes, seconded by Mason, the Board unanimously approved Budget Amendment #24 to the FY 1998-99 Annual Budget, to reflect receipt of additional child Day Care funds, as follows:

GENERAL FUND - #24	
<i>Appropriation</i>	<i>Increase</i>
<i>Social Services</i>	\$28,435
<i>Revenue</i>	<i>Increase</i>
<i>Restricted Intergovernmental</i>	\$28,435

Pawnbroker License Renewal for Frank Chamberlin

Aimee Scotton, Staff Attorney, stated that she had reviewed the pawnbroker license renewal application of Frank Chamberlin and that it meets all requirements of the County's ordinance.

On motion of Mason, seconded by Holmes, the Board unanimously approved the renewal of a pawnbroker's license for Harry Franklin Chamberlin.

Voting Delegate for NCACC Legislative Goals Conference

On motion of Davis, seconded by Mason, the Board unanimously appointed Commissioner Kemp as voting delegate at the NCACC Legislative Goals Conference.

Resolution Approving Pass-Through Funds for PTCOG for Statistical Data and Analysis

On motion of Holmes, seconded by Davis, the Board unanimously approved the following resolution:

WHEREAS, Lead Regional Organizations have established productive voluntary working relationships with municipalities and counties across North Carolina; and

WHEREAS, the 1998 General Assembly recognized this relationship through the appropriation of \$864,270 for each year of the biennium to help Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and other activities as deemed appropriate by local governments; and

WHEREAS, these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and **WHEREAS**, in the event that a request is not made by the Randolph County Board of Commissioners for release of these funds to the Lead Regional Organization, the available funds will revert to State's general fund; and

WHEREAS, in Region G, funds in the amount of \$48,015 will be used to carry out the 1998-99 Program of Work, which was approved by the Piedmont Triad Council of Governments' Board on June 17, 1998.

NOW, THEREFORE BE IT RESOLVED that the Randolph County Board of Commissioners requests the release of its share of these funds, \$7,161.33, to the Piedmont Triad Council of Governments at the earliest possible time in accordance with the provisions of state law.

Consideration of Name for New Courthouse

David Townsend advised the Board that the architects for the courthouse project are asking about the official name for the new building that will be constructed.

On motion of Kemp, seconded by Mason, the Board unanimously approved naming the new building "Randolph County Courthouse."

Appointment to Seagrove-Ulah Metropolitan Water District

Chairman Frye announced that he had just received a request from Mike Walker of Seagrove to appoint Donny Lassiter to the Seagrove-Ulah Metropolitan Water District to replace Jack Lail, who has moved out of the county.

On motion of Holmes, seconded by Kemp, the Board unanimously appointed Donny Lassiter to a three-year term on the Seagrove-Ulah Metropolitan Water District Board.

Rezoning Public Hearing

At 6:30 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning and Zoning Director, presented the following requests:

1. Roger Hedrick, Trinity, is requesting that 1.5 acres (out of 8) on Millers Mill Road, Trinity Township, be rezoned from RR to HC/CU to allow the construction of a driving range facility with a 24' x 36' building. The Planning Board unanimously recommended approval.
2. Hoyt Dorsett, Advance, is requesting that 5 acres on Hwy 49 South, Concord Township, be rezoned from RA to RR/CU to allow the development of a 7-lot subdivision that would allow Class A mobile homes, modular homes, and site-built homes. The Planning Board unanimously recommended approval with the condition of only site-built or modular homes. Mr. Johnson indicated that a family member of the applicant had agreed to this condition.

Citizen Comments - Request #1

Paul Hedrick, 4982 Millers Mill Road, Trinity, said he lives next door to the proposed facility and that he is the one who will be managing the business.

Citizen Comments - Request #2

Pansy Hunt, real estate agent and appraiser representing the Dorsett family, stated that the family member who had agreed to site-built or modular homes only in the development had done so because she felt intimidated. Ms. Hunt said that the applicant would like to allow the Class A mobile homes, with the restriction that they be no older than 1994 models, with permanent underpinning. She added that D.O.T. has indicated that there will be no problem with 7 individual driveways.

John Ferguson, 915 Riverbend Drive, Advance, said he would put only one entrance to the highway if D.O.T. would let him put half of the frontage road on their right-of-way, or he could make 2 lots share a driveway.

Harry Goodman, area resident, opposed the number of driveways planned.

Brent Pauly, 5798 Hwy 49, opposed more density in the population of the area.

Ray Voncannon, whose father is an adjoining property owner, expressed concern about groundwater supply.

Chairman Frye closed the public hearing. The Board discussed the possibility of some sort of buffer zone along the front of the lots proposed for the Hoyt Dorsett request. The applicant stated that a no-cut buffer of 25 feet would be acceptable.

Board Action on Requests

On motion of Davis, seconded by Mason, the Board unanimously approved the request of Roger Hedrick.

On motion of Kemp, seconded by Mason, the Board unanimously approved the request of Hoyt Dorsett, as amended, to allow Class A mobile homes, '94 models or newer, on permanent foundations, with the condition of a no-cut buffer zone of no less than 25 feet along the front of each lot, except for a driveway.

The meeting adjourned at 7:30 p.m.

Darrell L. Frye, Chairman

Phil Kemp

J. Harold Holmes

Robert B. Davis

Robert O. Mason

Alice D. Dawson, Clerk to the Board